

ORDINANCE NO. A08-5

**AN ORDINANCE AMENDING
THE CODE OF THE TOWN OF BRIDGEVILLE
AS IT RELATES TO SEWERS, WATER AND
PUBLIC WORKS AGREEMENTS**

BE IT ORDAINED by the Commissioners of Bridgeville;

Section 1. Amend Chapter 190 "SEWERS", Article II Definitions and Word Usage, of the Code of the Town of Bridgeville, by adding the underlined text and, as follows:

§ 190-14. Definitions and word usage.

"BULK USERS" – a group of property owners that share infrastructure.

Section 2. Amend Chapter 190 "SEWERS", by creating a new Article XV, Public Works Agreement, and adding the underlined text, as follows:

Article XV
Public Works Agreement

§ 190-79 – Public Works Agreement

- A. If an applicant plans to develop property that will require the extension of sewerage infrastructure, the Town may require the applicant to sign a public works agreement in order to ensure easements are properly recorded and dedicated, to allow review of infrastructure construction plans by Town staff, and for review of facilities capacity and any other necessary requirements the Town shall require the applicant to comply with.
- B. In a case where multiple developers propose to utilize existing sanitary sewer drainage basin infrastructure, the costs associated with necessary improvements for each developer shall be based on the percentage of flow that each development will contribute to the infrastructure. The associated costs for each developer must be specified in the public works agreement.

C. Bulk Users Public Works Agreement Provisions

1. In a case where multiple developers propose to utilize future infrastructure of a proposed sanitary sewer drainage basin at different times, the cost of associated improvements shall be borne by the developer to be served first.
2. Future users will be required to pay the Town for the proportionate share of the infrastructure based on either the percentage of flow that each new user contributes to the infrastructure or the required length to reach each user, whichever is most representative of realistic extension conditions. The Town will in turn reimburse the initial developer for the new user's proportionate share.
3. The associated cost for the initial developer and the subsequent proportionate share owed by future users must be specified in a signed public works agreement.
4. Bulk users of infrastructure that connect more than ten (10) years after the date the initial developer signed an applicable public works agreement for the subject infrastructure with the Town, will not be required to reimburse said developer for costs discussed in said public works agreement.

Section 3. Amend Chapter 228 "WATER", by creating a new Article V, Public Works Agreement, of the Code of the Town of Bridgeville, and adding the underlined text and, as follows:

Article V
Public Works Agreement

§ 228-17 – Public Works Agreement

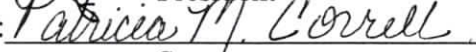
- A. If an applicant plans to develop property that will require the extension of water system infrastructure, the Town may require the applicant to sign a public works agreement in order to ensure easements are properly recorded and dedicated, to allow review of infrastructure construction plans by Town staff, and for review of facilities capacity and any other necessary requirements the Town shall require the applicant to comply with.

- B. In a case where multiple developers propose to utilize the existing water system infrastructure, the costs associated with necessary improvements for each developer shall be based on the percentage of flow that each development will contribute to the infrastructure. The associated costs for each developer must be specified in the public works agreement.
- C. Bulk Users Public Works Agreement Provisions
1. In a case where multiple developers propose to utilize future infrastructure of a proposed water system extension at different times, the cost of associated improvements shall be borne by the developer to be served first.
 2. Future users will be required to pay the Town for the proportionate share of the infrastructure based on either the percentage of flow that each new user contributes to the infrastructure or the required length to reach each user, whichever is the most representative of realistic extension conditions. The Town will in turn reimburse the initial developer for the new user's proportionate share.
 3. The associated cost for the initial developer and the subsequent proportionate share owed by future users must be specified in a signed public works agreement.
 4. Bulk users of infrastructure that connect more than ten (10) years after the date the initial developer signed an applicable public works agreement for the subject infrastructure with the Town will not be required to reimburse said developer for costs discussed in said public works agreement.

Section 4. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members elected to the Commission.

COMMISSIONERS OF BRIDGEVILLE

BY: 
President

ATTEST: 
Secretary

First Reading: April 14, 2008

Second Reading: May 12, 2008

Adopted: May 12, 2008